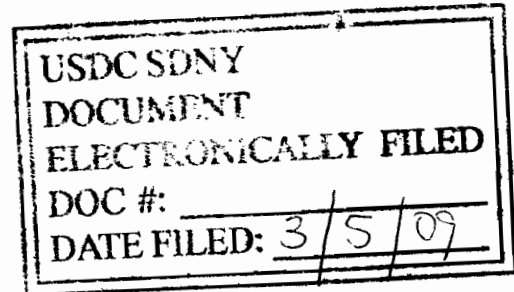


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
IN RE: METHYL TERTIARY BUTYL :
ETHER ("MTBE") PRODUCTS :
LIABILITY LITIGATION :

This Document Relates To: :

Master File No. 1:00-1898

MDL no: 1358 (SAS)

Case No. 04 CV-04973 (SAS)

City of Fresno, et al. v. Chevron U.S.A., Inc., et
al., 04-4973
----- X

STIPULATION AND [PROPOSED] ORDER GRANTING

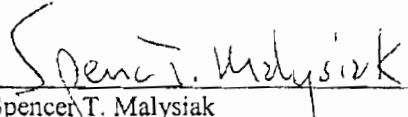
SUBSTITUTION OF COUNSEL

Pursuant to Local Rule 1.4, Spencer T. Malysiak Law Corporation, current counsel of record for New West Petroleum and New West Petroleum, L.L.C. (collectively, "New West"), seeks an order for substitution of counsel. New West is currently represented by Spencer T. Malysiak of Spencer T. Malysiak Law Corporation. New West has consented to the representation by Gregg D. Josephson and Stephen J. Meyer of Downey Brand LLP as its attorney of record in the above-captioned action, and Gregg D. Josephson and Stephen Meyer of Downey Brand LLP have accepted representation of New West.

FORMER COUNSEL:

Dated: January 27, 2009

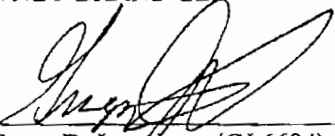
SPENCER T. MALYSIAK LAW
CORPORATION

By: 
Spencer T. Malysiak
Spencer T. Malysiak Law Corporation
1180 Iron Point Road, Suite 145B
Folsom, CA. 95630
(916) 985-4400

INCOMING COUNSEL:

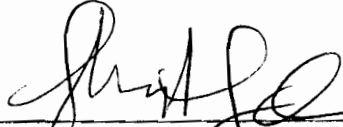
Dated: January 31, 2009

DOWNEY BRAND LLP

By: 
Gregg D. Josephson (GJ 6694)
gjosephson@downeybrand.com
Stephen J. Meyer
smeyer@downeybrand.com
621 Capitol Mall, 18th Floor
Sacramento, CA 95814-4731
(916) 444-1000

IT IS THEREFORE ORDERED, that DOWNEY BRAND LLP may substitute in for
SPENCER T. MALYSIAK LAW CORPORATION as counsel for New West.

Dated: March 5, 2009

By: 
The Honorable Shira A. Scheindlin
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: METHYL TERTIARY BUTYL :
ETHER ("MTBE") PRODUCTS : Master File No. 1:00-1898
LIABILITY LITIGATION : MDL no: 1358 (SAS)
This Document Relates To: : Case No. 04 CV-04973 (SAS)
:
City of Fresno, et al. v. Chevron U.S.A., Inc., et : **DECLARATION PURSUANT TO**
al., 04-1358 : **LOCAL RULE 1.4**
----- X

GREGG D. JOSEPHSON declares as follows:

1. I am a member of the Bar of this Court and of the firm Downey Brand LLP. I make this declaration in accordance with Local Civil Rule 1.4 of the Local Rules of the United States District Court for the Southern District of New York in support of the Stipulation and [Proposed] Order substituting Downey Brand LLP as counsel of record for New West Petroleum and New West Petroleum, L.L.C. (collectively, "New West").

2. New West has requested that Downey Brand LLP represent them in this action, and Spencer T. Malysiak Law Corporation consents to its withdrawal as counsel of record and has executed a stipulation of substitution of counsel.

3. No delay or prejudice to any party will result from the substitution of Downey Brand LLP as counsel of record for New West.

Dated: March 3, 2009

By: 

Gregg D. Josephson (GJ 6694)